

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	
vs.)	Case No. 11-0098-01-CR-W-FJG
Anthony C. Deloney,)	
)	
Defendant.)	

ORDER

Pending before the Court is the defendant's motion for determination of competency (Doc. #16), filed April 29, 2011. On July 13, 2011, Magistrate Judge Sarah W. Hays held a hearing regarding defendant's mental competency, at which time the parties stipulated to the forensic evaluation of David E. Morrow, Ph.D.

Magistrate Judge Hays issued a report and recommendation (Doc. #26), filed July 14, 2011, finding defendant incompetent in that he is presently suffering from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him or properly assist in his defense. Judge Hays further recommended that defendant be committed to the custody of the Attorney General pursuant to 18 U.S.C. §4241(d)(1) for hospitalization for treatment in a suitable facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future defendant will attain the capacity to permit trial to proceed. No objections to the report and recommendation were filed.

The Court, after independent review of the record and applicable law, finds that defendant is incompetent to understand the nature and consequences of the proceedings against him and to properly assist in his own defense, and that he is incompetent to stand trial.

The Court further orders that defendant be committed to the custody of the Attorney General pursuant to 18 U.S.C. §4241(d)(1) for hospitalization for treatment in a suitable

facility for such a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future defendant will attain the capacity to permit trial to proceed.

IT IS SO ORDERED.

/s/Fernando J. Gaitan, Jr.
Fernando J. Gaitan, Jr.
Chief United States District Judge

Dated: 8-8-11
Kansas City, Missouri